

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MUTINTA MICHELO, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	18 Civ. 1781 (PGG)
NATIONAL COLLEGIATE STUDENT	)	18 Civ. 7692 (PGG)
LOAN TRUST 2007-2, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**DECLARATION BY** [REDACTED]

I, [REDACTED] hereby declare and state:

1. I am over the age of eighteen. I can testify to a court competently as to my knowledge of the facts contained herein. I submit this declaration in support of my Motion to Quash Subpoena or, in the alternative, Motion for a Protective Order.

2. I was previously employed by Transworld Systems Inc. ("TSI"), and was employed by TSI, or its predecessor NCO Financial Systems, Inc. ("NCO") or NCO's predecessor since February 14, 2005 with a brief absence from work in 2014, until I was forced into medical retirement in August 2020 due to a stroke. I am no longer employed, have not been employed since August 2020, and do not anticipate seeking employment in the future due to my medical condition.

3. During a portion of my employment as a Legal Case Manager, my responsibilities included the review, verification, approval and execution of affidavits and verifications to be utilized by law firms in support of amounts due and owing by borrowers.

4. As part of my job responsibilities as a Legal Case Manager, I was required, at times, to appear at court hearings, and for depositions, where I would be subjected to oral examination.

5. The stress of being subjected to these depositions and hearing would trigger symptoms such as anxiety, confusion, rapid heart rate or loss of awareness or consciousness.

6. These symptoms first began in 2010, and have occurred continuously since that time when subjected to court appearances, oral depositions, similar experiences, and significant stress.

7. Specifically, I have experienced a seizure or similar event triggered by a court appearance, deposition, or similar experience several times, and have experienced a seizure or similar event several times when presented with stressful situations including crowded events. These occurred when I was feeling anxious or overwhelmed?

8. As a result of the symptoms that I experienced while working, I was referred to Dr. Michael Lacey. I first consulted with Dr. Lacey in 2000 for seizures and anxiety.

9. Dr. Lacey diagnosed me with stress induced epilepsy in 2003, and he recommended in 2004 that I avoid stressful situations to prevent any seizures. I have been seeing Dr. Lacey continuously since that time.

10. As a result of my condition limiting the ability for me to fully perform the job duties required as a Legal Case Manager, in June 2018, I transferred to a position that

did not require any oral examination, including depositions or court appearances, to avoid such stressful situations.

11. Since 2018, I was employed at TSI as a Vendor Network Representative. This position afforded me the opportunity to continue to work, while at the same time attempting to avoid the stressful situations that risked the epileptic seizures and stress related symptoms.

12. Upon learning, on or about August 3, 2020, that I would be required to appear for a deposition in this case I experienced symptoms that was determined to be a right thalamic stroke. I immediately sought medical care from my primary care physician and Dr. Lacey.

13. I believe that my current medical condition, and supporting documentation, reflects a specific and serious injury will occur if I am forced to sit for a deposition. I currently suffer from stress induced epilepsy which has now manifested itself in a stroke, and I believe that my current condition precludes me from being able to sit for any oral deposition or risk permanent physical and psychological harm.

14. As confirmed by my recent stroke, and medical retirement, I am no longer capable of any work, full time or otherwise. My recent stroke has left me both cognitively and physically impaired.

15. I have been prescribed carbamazepine, which is an anticonvulsant, by Dr. Lacey in 2005, to reduce the risk or incidence of a stress induced seizure or stroke. I have also been prescribed aspirin and have been undergoing physical therapy to mitigate against the effects of the seizures and strokes. While the medication has been effective,

at times, I have still experienced symptoms while taking the medication, and I believe that the medication does not alleviate the risk of a seizure or stroke should I be forced to sit for a deposition.

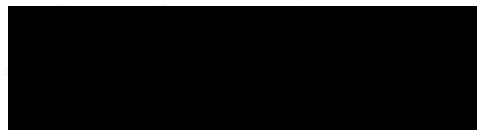
16. It is my belief that if I am forced to appear for a deposition in this case that the oral examination will trigger an epileptic seizure, stroke, or otherwise result in serious adverse health consequences. As reflected by my most recent stroke, I do not believe I am able to handle the significant stress involved with a deposition with medical treatment.

17. My treating physician has recommended that I avoid these types of stressful situations to protect my well-being.

18. To avoid the health risks of testifying at a deposition, I would be willing to be deposed on written questions.

19. I declare under penalty of perjury under the laws of the United States of America and all other applicable laws in the present proceedings that the following is true and correct.

Executed on March 26, 2021, in Gwinnett, Georgia.

A large black rectangular redaction box covering the signature area, with a horizontal line extending to the right from its center.